

Appln No.: 10/063,792
Amendment Dated: October 5, 2005
Reply to Office Action of April 5, 2005

REMARKS/ARGUMENTS

This is in response to the Official Action mailed April 5, 2005 for the above-captioned application. Reconsideration of the application, as amended, is respectfully requested.

Applicants request an extension of time sufficient to make this paper timely, and enclose the fee. The Commissioner is authorized to charge any additional fees to Deposit Account No. 15-0610.

Claims 1-10, 13-23 and 28-39 stand rejected as obvious over the combination of Kozak, Cornell and Spohr. The Examiner argues that Kozak discloses what is in essence of fluorescent label because of an alleged teaching in Cornell that signs and labels are equivalent, and that putting such a label on the bottle of Spohr would have been obvious. Without conceding that this combination of references is appropriate, Applicants respectfully submit that the combined result is not within the scope of the present claims, and therefore that this combination does not give rise to a valid basis for an obviousness rejection.

Applicants have again amended claim 1 to make it even more clear that the claimed photoluminescent is in the body of the bottle, not merely in a label applied to the bottle. Thus claim 1 now requires that the graphic image be :

formed as cuts or protrusions, or both, in the plastic composition on a surface of the molded body thereof to provide a luminescent visual effect in the shape of the graphic image as a result of the photoluminescent material that is part of the plastic composition.

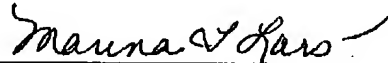
Since the plastic composition in which the cuts or protrusions are formed is the material from which the molded body is formed, no reasonable interpretation of the claim allows for the luminescent material to be part of a separate label. This, however is what the Examiner argues would have been obvious. Thus, the combination of references is not alleged to suggest that which is claimed, and the rejection should therefore be withdrawn.

Applicants further note that added claims 78-80 require that there be cuts in the surface of the molded body that form part of the visual image. The references cited by the Examiner only refer to sphere that the Examiner equates to protrusions. Thus, no part of the rejection addresses the limitations of these claims.

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For the foregoing reasons, Applicants submit that this application is in form for allowance. In the event the application is not allowed, however, Applicants request that the Examiner provide an explanation of how he is interpreting the claim such that it reads on a labeled bottle.

Respectfully Submitted,



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